

2-14-1885

Deed of trust

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TRUST DEED TO

State of Mississippi, }

COUNTY OF NOXUBEE.

This Indenture, Made and entered into this

14th

day of

February

A. D. 1885, by and between

A. J. Boswell and Mrs. C. J. Boswell

of the first part

H. L. McMillan

as Trustee of the second part, and

James R.

Auderson

of the third part,

WITNESSETH: That the first party, for the consideration hereinafter stated, and for One Dollar to him in hand paid by the second party, the receipt whereof is hereby acknowledged, hath Granted, Bargained, Sold and Conveyed, and by these presents, doth Grant, Bargain, Sell and Convey to the second party, his legal representatives and assigns, forever, the following described property, lying and being in the County of Noxubee, and State of Mississippi, to-wit:

Our Entire Crop of Cotton, Corn, Peaches and all
 Cotton Seed and all other products of Agriculture
 to be grown by ourselves Family and Employees
 on the place on which we live or on any Land
 we may cultivate the present year.
 One Light Colored Horse Mule name Lare
 + one Bay Mare Mule name Beck
 one two horse (Whitewater) Wagon

together with appurtenances to the said premises belonging, or in any wise appertaining, and the said first party will warrant and defend the title in and to the above described property to the party of the second part, his legal representatives and assigns, forever, in fee simple. But this conveyance is made in Trust for the following purposes, only, viz: The first party is justly indebted to the third party in the sum of

Seven Hundred

Twenty Six and

81/100

Dollars evidenced by

a promissory note of even tenor & date with these present due & payable on the 1st day of Oct. 1885.

which indebtedness the said first party desires, and intends by this Deed, to more effectually to secure and make certain the payment thereof. Now, if the first party shall pay off and discharge said indebtedness at maturity, with all interest and the cost and expense then incurred in this conveyance, then this Deed is to be entirely void, and the said second party is to take such steps as may be necessary, in law, to effectually re-convey said property to the first party. But if default shall be made in payment thereof, the second party, as Trustee aforesaid, shall at the request of said third party take possession of said property, and after having given Ten days' notice of the time, place and terms of sale by posting notices thereof in at least three public places in the County, one of which shall be at the Court House door of the County, and one at Summerville and one at Shingualak

shall proceed to sell said property at auction, to the highest bidder, for cash at Shingualak

and out of the proceeds shall first pay all just costs and expenses, then pay the third party, his legal representatives, or assigns, the full amount of the same, with all interest that may have accrued thereon; and the balance, if any, pay to the first party. And until default shall be made, said property shall be held and possessed by the said Third party; and in the event of sale pursuant hereto, the second party shall make to the purchaser or purchasers as good and valid title to said property as the first party could now make. In the event of the death, resignation, removal or refusal to act, or of the inability or unfitness to act, of the said St. L. McPhee

Trustee, or of any future Trustee, and so often as the same may occur, the said party of the third part, his legal representatives or assigns, shall have power to appoint a Trustee in place of the one so dying, resigning, removing or refusing to act, or becoming unable or unfit to act, and all the rights, power and authority herein granted to and vested in the said Trustee, shall be thereby vested in the Trustee so appointed.

IN WITNESS WHEREOF, The said parties of the 1st part hereunto set their hands and seal, date first herein written.

A. J. Boswell [L. S.]

Ch. A. Boswell [L. S.]

[L. S.]

[L. S.]

THE STATE OF MISSISSIPPI, NOXUBEE COUNTY—ss.

PERSONALLY appeared before me, ROBERT C. PATTY, Clerk of the Chancery Court

of the County of Noxubee, the above named

who acknowledged that _____ signed, sealed and delivered the foregoing Deed of Trust on the day and year therein mentioned, as _____ act and deed.

Given under my hand and seal of said Court, this _____ day of _____ A. D. 188

Clerk.

D. C.

THE STATE OF MISSISSIPPI, NOXUBEE COUNTY—ss.

PERSONALLY appeared before me, ROBERT C. PATTY, Clerk of the Chancery Court

Mr. E. Burroughs Mayor of J. P.
of the County of Noxubee, the within named *A. J. Boswell*

who acknowledged that *he* signed, sealed and delivered the foregoing Deed of Trust on the day and year therein mentioned, as *his* act and deed.

Also, PERSONALLY appeared before me, *C. A. Boswell*

wife of the said *A. J. Boswell*, who on a private examination made by me, apart from her husband, acknowledged that she signed, sealed and delivered the same as her *own* act and deed, freely, without any fear, threats or compulsion of her husband.

Given under my hand and seal of said Court, this *14th* day of *February* A. D. 188 *5*.

Mr. E. Burroughs Mayor of J. P.
Clerk.
D. C.

THE STATE OF MISSISSIPPI, NOXUBEE COUNTY—ss.

PERSONALLY appeared before me, ROBERT C. PATTY, Clerk of the Chancery Court of said County,

the within _____, one of the subscribing witnesses to the foregoing Deed of Trust, who, being duly sworn, deposes and saith, that he saw the above named

_____, whose name is subscribed thereto, sign seal and deliver the same to the said _____ that he, this deponent, subscribed his name as a witness thereto in the presence of the said

and that he saw other subscribing witness _____ sign the same in the presence of the said

_____ and that the witnesses signed in the presence of each other on the day and year therein named.

Given under my hand this _____ day of _____ 188

Clerk.

D. C.

THE STATE OF MISSISSIPPI, NOXUBEE COUNTY—ss.

I, ROBERT C. PATTY, Clerk of the Chancery Court of said County, certify that the foregoing Deed was filed

here for Record on the _____ day of _____ A. D. 188 _____, at _____ o'clock,

M., and has been duly recorded in Trust Deed Book, No. _____ Page _____

Given under my hand and seal of said Court, at office, in Marion, this _____ day of _____ A. D. 188

Clerk.

D. C.

TRUST DEED.

H. J. C. H. Roswell
to } IN TRUST.

H. C. McSpur
FOR THE BENEFIT OF

Samuel Anderson

I certify the within Deed was filed for Record
in my office, the 18 day of
July A. D. 1885
at 10 o'clock, a M. and truly recorded
in Deed Book 26 Page 27

Robert C. Petty

Clerk.

D. C.

Marshall & Bruce, Stationers, Nashville, Tenn.